

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EMELINE J. SMITH,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 11-cv-05855 JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT ATTORNEY'S FEES AND
EXPENSES

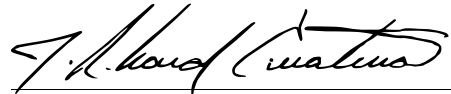
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 5; Consent to Proceed Before a United States Magistrate Judge, ECF No. 9). This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act Fees and Expenses (*see* ECF No. 27).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (hereinafter "EAJA"), the Stipulation of the parties (ECF No. 27), and attorney Declaration and time and expense itemizations (ECF No. 28), it is hereby ORDERED that EAJA attorney's fees of \$4,288.77 and

1 expenses in the amount of \$17.37, shall be awarded to plaintiff pursuant to the EAJA and
2 consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7
3 (2010).

4 If it is determined that plaintiff's EAJA fees are not subject to any offset allowed under
5 the Department of the Treasury's Offset Program, then the check for EAJA fees shall be made
6 payable to Stephen A. Maddox, based on plaintiff's assignment of these amounts to plaintiff's
7 attorney (*see* Plaintiff's Declaration Regarding Net Worth and Payment of EAJA Fees, ECF No.
8 8). The same procedure applies for any remainder following any offset. Any check for EAJA
9 fees shall be mailed to plaintiff's counsel, Stephen A. Maddox, at 410-A South Capitol Way,
10 Olympia, Washington 98501.

11 Dated this 22nd day of August, 2012.

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14 J. Richard Creatura
United States Magistrate Judge